



AGENDA

REGULAR MEETING OF THE PARCHMENT CITY COMMISSION

OCTOBER 17, 2016

7 P.M.

PARCHMENT CITY COMMISSION

MAYOR ROBERT B. HEASLEY

VICE MAYOR ROBERT D. BRITIGAN III

COMMISSIONER TERRY HAGEMAN

COMMISSIONER DOUGLAS FOY

COMMISSIONER JON HEASLEY

OFFICERS

CITY MANAGER DENNIS DURHAM

CITY ATTORNEY ROBERT SOLTIS

CITY TREASURER/CLERK SHANNON STUTZ

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF MINUTES

A. City Commission Regular Meeting Minutes of October 3, 2016 - Accept

4. ADDITIONS OR CHANGES TO THE AGENDA

5. CITIZEN COMMENTS

Persons wishing to address the City Commission on items not already an agenda item, will be allowed five minutes. Please state your name and address for the record. If you require special accommodation, please notify the Clerk.

6. CONSENT AGENDA

Items included on the consent agenda will be dealt with upon one vote by the City Commissioner unless a Commissioner requests an item be dealt with individually.

A. Motion to APPROVE as indicated:

i. Warrant No. 1320 – Information Only

7. UNFINISHED BUSINESS

- A. Appointment of City Commissioner to Fill Vacancy
 - i. Applicant Interviews

8. NEW BUSINESS

- A. City of Parchment Rental Housing Code – Accept for First Reading

9. BOARD AND COMMISSION REPORTS/MINUTES

10. MAYOR AND COMMISSIONER COMMENTS

11. CITY MANAGER COMMENTS/REPORTS

- A. City Manager Report – Information Only

12. CITIZEN COMMENTS

Persons wishing to address the City Commission on items not already an agenda item, will be allowed five minutes. Please state your name and address for the record. If you require special accommodation, please notify the Clerk.

13. ADJOURNMENT

**MINUTES OF THE REGULAR MEETING OF THE PARCHMENT CITY
COMMISSION HELD ON MONDAY OCTOBER 3, 2016.**

1. Call to order

Mayor Heasley called the meeting to order at 7:00 p.m. He led those present in the "Pledge of Allegiance".

2. Roll Call.

Present: Mayor Heasley, Vice Mayor Britigan, Commissioners Fooy, and Heasley. City Manager Durham, Treasurer/Clerk Stutz, and City Attorney Soltis.

Absent Commissioner Hageman.

Moved by Commissioner Heasley, supported by Vice Mayor Britigan to excuse Commissioner Hageman.

Motion Carried.

3. Minutes

Moved by Vice Mayor Britigan, supported by Commissioner Heasley to approve the amended Minutes of the September 19, 2016 regular meeting.

Motion Carried.

4. Additions or Changes to the Agenda

None.

5. Citizen Comments

Deb Lawson, 507 Keyes, said the first meeting of the Neighborhood Watch had to be rescheduled to this Friday, 10/7 at 4 pm in the Library.

Judy Resler, 218 Maple, asked if the Battle Creek ordinance that Ms. Conner-Beck brought to the Commission had been reviewed. She also asked the Vice Mayor about adding another comment section to the agenda near the end.

6. Consent Agenda

A. Two questions regarding payments were asked and answered. Vice Mayor Britigan noted that the quarterly financial report looked good. Commissioner Fooy questioned mileage reimbursement to a city employee.

Moved by Commissioner Heasley and supported by Commissioner Fooy, to receive the consent agenda items.

Motion Carried.

7. Unfinished Business

A. None.

8. New Business

A. Appointment of City Commissioner to Fill Vacancy. Vice Mayor Britigan cited that 4 letters of interest were received, one of whom he knows personally, the other three he does not. He suggested that the Commission invite the candidates to the next meeting in order to have them answer Commissioners' questions and to make a more informed decision. Commissioner Heasley stated that he was encouraged by the number of applicants. Mayor Heasley offered to call the applicants personally to invite them to the October 17 meeting.

- B. Upgrade City's Assessing and Tax Software - approve. Moved by Vice Mayor Britigan supported by Commissioner Heasley, to authorize the expenditure of \$5780 to upgrade the City's assessing and tax software modules provided by BS&A Software, and authorize the City Manager to execute all documents related to this matter.

Roll call vote was as follows:

Ayes: Britigan, Fooy, J Heasley, R Heasley.

Nays: None.

Absent: Hageman.

Abstain: None.

Motion Carried 4-0.

9. Standing Board and Committee Reports

None.

10. Mayor and Commissioner Comments

Commissioner Heasley thanked the City Manager for the newsletter.

Commissioner Fooy also enjoyed reading the newsletter, and thanked Deb Lawson for heading the Neighborhood Watch meetings.

Vice Mayor Britigan told the Commission the sad news of the passing of Dick Gregory and that his thoughts and prayers were with his family. He also offered condolences to City Attorney Soltis on the passing of his mother. The Vice Mayor attended the postcard history of the City and praised the program. He then told of the KATS meeting where they approved a consulting agreement for a plan for connectivity.

Mayor Heasley echoed the praise for the Library's history event and reminded everyone that PHS homecoming is Friday, October 7.

11. City Manager Comments/Reports

- A. City Manager Durham referred to notifying the Commission earlier in the day about the County SWAT team using the Mill property for training. He also handed out copies of Attorney Soltis's opinion regarding the Battle Creek ordinance that Karen Conner-Beck brought to the Commission at the previous meeting. CM Durham stated that the City has an offer of employment to be accepted for a position at DPW; he informed the Commissioners about a variance that will likely come before the ZBA at 409 North Orient.

12. Adjournment

There being no further business to come before the Commission, it was moved by Commissioner Fooy and supported by all to adjourn the meeting at 7:37 p.m.

Shannon S. Stutz
City Clerk



Warrants # 1320
October 17, 2016

City of Parchment

Attachment 1 - Check Register Report 1320

City of Parchment
Check Register Report
Warrant 1319

Check #	Check Date	Vendor Name	Check Description	Amount
33384	10/10/2016	SANDRA BLAIR	Wedding Dep Refund-10/01/16	100.00
33385	10/10/2016	CINTAS CORPORATION LOC. 725	Uniform Rental & Towels	174.71
33386	10/10/2016	CLEAN EARTH ENVIRONMENTAL	Clean Sewer Line-100 Block of Maple	2,291.98
33387	10/10/2016	COMPANION LIFE	Life & AD&D Ins - October	57.00
33389	10/10/2016	CONSUMERS ENERGY	Sept. Utilities	5,529.70
33390	10/10/2016	CT ELECTRICAL SERVICES, INC.	Link Lane Lift Stn. Repair	2,150.00
33391	10/10/2016	CT ELECTRICAL SERVICES, INC.	Low Service Touch Screen	2,450.00
33392	10/10/2016	FORD, KRIEKARD, SOLTIS & WISE	Police Matters - Sept	1,648.75
33393	10/10/2016	KALAMAZOO OIL CO.	Fuel Charges 9/16 to 9/30/16	309.05
33394	10/10/2016	TREASURER CITY OF KALAMAZOO	Municipal Sewer - August	9,549.69
33395	10/10/2016	MELINDA LOPEZ	Wedding Dep Refund-09/24/16	100.00
33396	10/10/2016	MAINTENANCE MASTERS, INC.	Mowing of Right of Ways	175.00
33397	10/10/2016	MAPLE HILL SPRINKLING, INC.	Rem. Sprinkler Heads by Stage	213.00
33398	10/10/2016	MICHIGAN ELECTION RESOURCES	County/Local Proposal Petition	36.17
33399	10/10/2016	CITY OF PARCHMENT	Water/Sewer for public spaces	1,542.14
33400	10/10/2016	PURITY CYLINDER GASES, INC.	1/4ly Cylinder Rental	45.86
33401	10/10/2016	REPUBLIC SERVICES #249	DPW-October	239.95
33402	10/10/2016	RIETH-RILEY CONSTRUCTION CO.	Cold Patch	286.00
33403	10/10/2016	ROSE PEST SOLUTIONS	Pest Control - Contract	76.00
33404	10/10/2016	SHANNON STUTZ	Mileage-July, Aug, Sept-2016	136.36
33405	10/10/2016	MIKE WOLTHUIS	Concrete for both side of Stage	2,484.00

CITY OF PARCHMENT
KALAMAZOO COUNTY, MICHIGAN

ORDINANCE _____

AN ORDINANCE TO AMEND THE PARCHMENT CITY CODE OF ORDINANCES TO PROVIDE FOR A RENTAL HOUSING CODE; TO PROVIDE RULES AND REGULATIONS THEREFORE; TO ESTABLISH PROCEDURES FOR INSPECTIONS, CERTIFICATION AND APPEAL; TO ESTABLISH A HOUSING BOARD OF APPEALS; TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE BY REFERENCE, AS AMENDED HEREIN; TO MAKE VIOLATION HEREOF A MUNICIPAL CIVIL INFRACTION; TO ESTABLISH JURISDICTION AND PROCEDURES THEREFORE; TO REPEAL ALL OTHER ORDINANCES AND PARTS THEREIN INCONSISTENT OR CONTRARY TO THIS ORDINANCE AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

THE CITY OF PARCHMENT ORDAINS:

ARTICLE I

Chapter 14, Article III, Sections 14-43 through 14-50 are hereby reserved.

ARTICLE II

Chapter 14, Article IV (Rental Housing Code), Sections 14-51 through 14-83, of the Parchment City Code of Ordinances are hereby created and shall read as follows:

"Sec. 14-51. Title and Purpose.

- a. *Title:* This chapter shall also be known and may be cited as the "City of Parchment Rental Housing Code.
- b. *Purpose:* The general purpose of this chapter is to protect the public health, safety and the general welfare of the people of the City. These general objectives include, among others, the following specific purposes:
 1. To protect the character and stability of the residential areas within the City.

2. To provide minimum standards for kitchen, heating and sanitary facilities necessary to the health and safety of occupants of buildings.

Sec. 14-52. Definitions.

Generally:

Scope: Unless otherwise expressly stated, the following terms shall, for the purposes of this Code, have the meanings shown in this chapter.

Interchangeability: Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

Terms Defined in Other Codes: Where terms are not defined in this Code and are defined in the building, fire prevention, zoning, plumbing or mechanical codes, ASME A17.1 AND NFPA 70, such terms shall have the meanings ascribed to them as in those codes.

Terms not Defined: Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

Parts: Whenever the words "*dwelling unit*", "*dwelling*", "*premises*", "*building*", "*rooming house*", "*rooming unit*", or "*story*" are stated in this Code, they shall be construed as though they were followed by the words "*or any part thereof*".

Terms defined:

Accessory Building means any building or structure, not used as a dwelling, which is located on the same premises as a dwelling.

Agent; Responsible Local: See Section 14-64.

Approved means determined by the City to be in compliance with this chapter.

Basement means a portion of a building located partly underground but having more than one-half (1/2) its clear floor-to-ceiling height below the average grade of the adjoining ground.

Basic Structural Elements means the parts of a building which provide the principal strength, stability, integrity, shape and safety, including, but not limited to, plates, studs, joists, rafters, stringers, stairs, subflooring, flooring, sheathing, lathing,

roofing, siding, window frames, door frames, porches, railings, eaves, chimneys, flashing, masonry and all other essential components.

Bed-and-Breakfast Inn shall be a private residence that offers sleeping accommodations to transient tenants in five (5) or fewer rooms for rent. It shall be the innkeeper's residence in which the innkeeper resides while renting the rooms to transient tenants, and it serves breakfast at no extra cost to its transient tenants.

Bedroom means any room or space used or intended to be used for sleeping purposes.

Board or Board of Appeals means the Housing Board of Appeals established in Section 14-73.

Certificate of Compliance: A document issued by the enforcing agency which states that the listed property is in substantial compliance with the requirements of this chapter.

Common Areas are those interior and exterior areas normally accessible to all occupants, such as, but not limited to, hallways, stairs and yards. Common areas do not include dwelling units, exterior or interior areas assigned to specific occupants, such as assigned storage or parking places, or such places as offices and do not include areas from which occupants are generally excluded.

Condemned: To adjudge unfit for occupancy.

Deteriorate means to decay, decompose or degenerate.

Deterioration or deteriorated means the fact or process of decay, infestation, rotting, decomposition or degeneration which has progressed to the point where it has resulted in or will soon result in making an object or mechanism unsafe, unsanitary, inoperable, unusable or unsuitable for its intended use, including, but not limited to, the advanced stage of rot, rust, mold, insect ingestion, infestation or destruction.

Duplex means a building with two (2) dwelling units.

Dwelling means any building which is wholly or partly used or intended to be used for living by human occupants.

Dwelling Unit: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Egress is what an exit provides.

Exit is a continuous and unobstructed means of egress to a public way and shall include intervening aisles, doors, doorways, corridors, exterior exit balconies or platforms, ramps, stairways, smoke proof enclosures, horizontal exits, exit passageways, exit courts and yards. Ladders are not accepted as an exit unless they are part of an approved ladder assembly and exit plan.

Family: See zoning definition.

Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food, including cans, containers and wrappings wasted therewith.

Garbage Container means either:

1. A watertight container that is constructed of durable material impervious to rodents that is capable of being serviced without creating unsanitary conditions or such other containers that have been approved by the Kalamazoo County Health Department. Containers shall have tight-fitting covers or lids; or
2. A receptacle designed to be transported by or mechanically emptied into a refuse collection vehicle and does not include receptacles used in office buildings, businesses and single-family dwellings which are less than twenty-gallon capacity.

Good Repair means to be properly installed, stable and maintained sufficiently free of defects or deterioration so as to be functional for its present use and to be safe and sanitary.

Good Workmanship means completing a task of construction, repair or replacement to industry standards using like materials so that the result is free of defects, operates as intended and creates no unsafe conditions.

Habitable Area means all areas within a dwelling unit, excluding:

1. Bathrooms and/or toilet compartments.
2. Foyers and connecting corridors which are too small to be used for any other purpose than as foyers and connecting corridors.
3. Stairways.
4. Closets and storage space used as such or too small to be used for anything else.

Hotel/Motel is any building containing six (6) or more guestrooms intended or designed to be used, or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests.

Mechanical Equipment includes heating equipment, water heaters and other items specifically covered by the City's mechanical/plumbing code.

Minor Violations are violations which do not pose an immediate or near term threat to the physical health or safety of the occupant(s) or public. They include, but are not limited to, such items as worn or torn carpeting, holes in interior wall or ceiling surfaces, loose hinges or door knobs, checked window glazing, low heat in one room or area, dripping faucets, absence of street address numerals, minor peeling exterior paint, etc.

Multiple Dwelling means a residential building containing three (3) or more dwelling units arranged either side by side or one above the other (also apartment, townhouse and garden apartment). Such term shall also mean any building containing:

1. Two (2) or more dwelling units and one (1) or more commercial occupants; or
2. Two (2) or more commercial occupants and one (1) or more dwelling units.

Nuisance shall include:

1. Any public nuisance known at common law or equity.
2. Any condition which might attract and be dangerous to the public, whether in a dwelling, on the premises upon which a dwelling is located or upon an unoccupied lot near a dwelling. This includes, but is not limited to, abandoned wells, cisterns, shafts, basements, excavations, structurally unsound fences, outbuildings or structures, lumber, vegetation, mounds of gravel, sand or earth which might prove a hazard for the public and whatever is dangerous to human life or is detrimental to health.
3. Overcrowding a room with occupants.
4. Lack of adequate egress.
5. Insufficient ventilation or illumination.
6. Inadequate or unsanitary sewage or plumbing facilities.

7. Improper disposal of garbage, rubbish, refuse and/or trash.
8. Whatever renders air, food or drink unwholesome or detrimental to health as determined by the health officer.
9. Insufficient support, inadequate sewerage, drainage, heating or wiring.
10. Any violation of the provisions of this chapter relating to the aforesaid declared nuisances.

Occupant means any person living, sleeping, cooking or eating in or having actual possession of a dwelling unit or rooming unit.

One-Family Dwelling means a residential building containing a dwelling unit for occupancy by only one (1) family.

Owner means any person who, alone or jointly or severally with others:

1. Shall have the legal or equitable title to a dwelling with or without the accompanying actual possession thereof; and/or
2. Shall be the land contract purchaser of any premises or dwelling; or
3. Shall have the charge, care, custody, possession or control of any dwelling as owner or agent of the owner or as fiduciary.

A housing co-operative or condominium whether it is a partnership, corporation or any type of association, shall be considered an owner of the buildings, grounds and dwelling units which are part of the co-operative or condominium.

Plumbing means and includes all of the following supplied facilities and equipment: Water pipes, garbage disposal units, waste pipes, toilets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, vents and any other supplied fixtures, together with all connections to water and sewer lines.

Premises means any lot or parcel of land including any structures thereon.

Refuse means any waste product which is not water-carried and which is composed wholly or partly of such materials as garbage, rubbish, sweepings, industrial solid wastes or domestic solid wastes, organic wastes or such other substances as may become a nuisance.

Rental Unit means any dwelling unit, rented or leased or any dwelling occupied as a home or family unit containing certain rooms in excess of those occupied by

members of the immediate family and occupied as a home or family unit which is leased or rented to one (1) or more persons outside the family. Dwelling units in a housing cooperative or condominium shall be considered rental units for purposes of this section, if they are rented.

Residential Collective means a residential dwelling, other than a multiple dwelling or roominghouse, in which sleeping, cooking and eating facilities are let by the owner or agent to more than two (2) persons who are not related by blood, marriage or adoption to the owner or operator or to each other. This definition shall include any society, club, fraternity, sorority, association, lodge, federation, organization or group of individuals whose domestic relationship is of a transitory or seasonal nature.

Rooming Unit or Sleeping Room(s) means any room or group of rooms forming a single habitable unit or intended to be used for living and sleeping but not for cooking or eating purposes.

Roominghouse and Bed-and-Breakfast Inns means any dwelling or that part of any dwelling or dwelling unit containing five (5) or less rooming units in which space is let primarily for sleeping purposes by the owner or agent to more than two (2) persons who are not related to the owner or agency by blood, marriage or adoption.

Rubbish means any combustible or non-combustible waste materials, except garbage, including, but not restricted to, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, plastics, tree branches, yard trimmings, tin cans, metals, automotive parts, mineral matter, glass, crockery, duct and the residue from the burning of combustible materials.

Structurally Sound means that all basic structural elements (see definition) shall provide strength, stability, integrity, shape and safety. Proof of structural soundness may be required from the property owner. Evidence shall be submitted by a licensed architect or engineer. (Proof and evidence are not definitions but requirements relocate this part to workmanship.)

Substantial Violations are violations which pose an immediate or near term threat to the physical health or safety of the occupant(s) or public. They include, but are not limited to, such items as lack of dwelling unit heat or water, broken/leaking/plugged sanitary sewer or drains, improper or inadequate venting of fossil fuel burning appliances, loose or missing stair treads or rails, foundation walls in danger of collapse, lack of required functioning smoke alarms, blocked or unsafe exit paths, etc.

Supplied means paid for, furnished or provided by or under the control of the owner.

Tenant means any person, other than a legal or equitable title holder, occupying or possessing a dwelling or part thereof.

Two-Family Dwelling means a residential building containing two (2) dwelling units, each intended for occupancy by only one (1) family.

Unfit for Human Habitation: Any dwelling or dwelling unit which, because of its condition or the condition of the lot upon which the dwelling or dwelling unit stands or any accessory structure thereof is dangerous to life, safety or the general welfare of the occupants or of the public, shall be deemed unfit for human habitation.

Sec. 14-53. Service of Notices or Orders Hereunder.

Unless otherwise provided for the purpose of this chapter, a person shall be deemed to be served with a notice or order on the date of personal service of a copy thereof or on the date the notice or order is mailed to him or her at the address registered with the City.

Sec. 14-54. Compliance with Chapter Generally.

No person shall occupy, rent, lease or permit any occupancy of any dwelling or dwelling unit unless it substantially complies with all applicable provisions of this chapter. Occupancy of any dwelling unit regulated by this chapter shall create a rebuttable presumption that such occupancy has occurred with the express and/or implied consent of the owner.

Sec. 14-55. Temporary Dwelling to Comply with Chapter.

It shall be unlawful for any person to erect or occupy any structure which is intended to be occupied, in whole or in part, as a temporary dwelling unless it complies with all provisions of this chapter.

Sec. 14-56. Application of Chapter to Hotels and Motels.

Every provision of this chapter which applies to roominghouses shall also apply to hotels and motels except to the extent that any such provisions may be found in conflict with the laws of the state or with the lawful regulations of any state board or agency.

Sec. 14-57. Occupancy of House Trailer, Camper, Van, Mobile Home, Tent or Other Similar Shelter as Dwellings.

No house trailer, camper, van, mobile home, tent or other similar shelter, whether mobile or not, shall be occupied as a dwelling within the City except as may be permitted in legally established trailer parks.

Sec. 14-58. Dwellings Constituting Nuisances not to be Occupied.

No dwelling or dwelling unit shall be occupied if it constitutes a nuisance as defined in Section 14-52. The City shall have the authority to condemn any premises deemed a nuisance and order it promptly vacated by posting a notice of condemnation at a conspicuous location on the property and by mailing written notice to the owner of record. Occupancy of any such dwelling or dwelling unit creates a rebuttable presumption that such occupancy has occurred with the express and/or implied consent of the owner.

Sec. 14-59. Abatement of Rent in Case of Dwelling Unfit for Human Habitation.

If any building constructed as or altered into a dwelling is occupied in whole or in part for human habitation in violation of this chapter so that the same is unfit for human habitation during the unlawful occupation, no rent shall be accepted, retained or recoverable by the owner or lessor of the premises for the period; no action or special proceedings shall be maintained for possession of the premises for non-payment of rent; the premises may be declared unfit for human habitation; and the City, acting as the enforcing agency, may cause it to be vacated accordingly.

Sec. 14-60. References to Codes.

To the extent the terms "*Building Code*", "*Electrical Code*", "*Mechanical Code*", and "*Plumbing Code*" are used in this chapter or notices issued pursuant to this chapter, refer to those respective codes in Chapter 14, Article I, of the City of Parchment State Construction Code Ordinance; Chapter 14, Article II, of the Energy Code and Chapter 14, Article III, of the International Property Maintenance Code. The word "*code*", when not used in any of the foregoing contexts, but used in this chapter or in a notice issued pursuant to this chapter, refers to Chapter 14, Article IV, Rental Housing Code.

Sec. 14-61. Removing or Disconnection Required Services, Facilities, Equipment or Utilities.

No person shall cause any utility which is required under this Chapter or state law to be removed, shut off from, or disconnected from any occupied dwelling, except for such temporary interruption as may be necessary while actual repairs or alterations are in process, or during temporary emergencies where discontinuance of service is approved by the City.

Sec. 14-62. Registration of Hotels, Rental Dwellings, Residential Collectives, Bed and Breakfast Inns, and Roominghouses.

The owner of any hotel, any rental dwelling, or of any residential collective, bed and breakfast inn, or roominghouse, shall register it with the City and shall designate a person, as defined in Section 14-64, as the responsible local agent who shall be legally responsible for compliance with the City Code and shall also be responsible for

providing access to such property for the purpose of making the inspections necessary to ensure such compliance in conformance with applicable provisions of this chapter and state law. Each responsible local agent shall maintain a current list of the number of occupants of each hotel, bed and breakfast inn, or roominghouse for which he/she is responsible. A certificate of compliance shall not be issued if the registration provisions of this Article are not complied with.

Sec. 14-63. Registration Forms.

An application for registration shall be made in such form and in accordance with such instructions as may be provided by the City. No application for registration shall be valid unless it is filled out completely and approved by the City.

Sec. 14-64. Responsible Local Agent.

- a. The responsible local agent shall be a person or representative of a corporation, partnership, firm, joint venture, trust, association, organization or other entity having his/her place of residence in the County of Kalamazoo, or having his/her place of residence in the approved zip codes (as determined by the City), provided that his/her residence may be reached by a toll-free telephone call from the City of Parchment. The responsible local agent shall be designated by the owner of the premises as responsible for operating such property in compliance with all the provisions of the City Code. All official notices of the City may be served on the responsible local agent, and any notice so served shall be deemed to have been served upon the owner of record.
- b. The City may, by ordinance or resolution, require that the registered agent in any area or areas designated by the City Commission be licensed by the State of Michigan as a Real Estate Broker, a Real Estate Salesperson, an attorney, or such other licensing or certification requirement as the City Commission deems appropriate. In the event that such a requirement is imposed, the City shall not issue a new certificate of compliance for any property in the designated area that is not in compliance with this section, and shall revoke the certificate of compliance for any property in the designated area that is not in compliance with this section by the date specified in the ordinance or resolution creating the designated area.

Sec. 14-65. Transfer of Ownership; Transfer of Non-Complying Properties.

- a. In the event of any transfer of ownership, any registration, but not necessarily the certificate of compliance, issued under this chapter

shall become invalid. Any new owner shall comply with the provisions of Section 14-63 within fifteen (15) days of the date of the transfer of ownership. Every person who transfers an ownership interest in any property regulated by this Chapter shall notify the City in writing within ten (10) days of such transfer. The validity and expiration date of a certificate of compliance shall not be affected by a transfer of ownership.

- b. It shall be unlawful for the owner of any hotel, rental dwelling, roominghouse or other dwelling regulated by this chapter, including an owner-occupied single-family home, who has received a compliance order or upon whom a notice of violation has been served to transfer his/her ownership in any way to another or let to another or sell by land contract to another until the provisions of the compliance order or notice of violation have been complied with and such compliance has been certified by the City, or until such owner shall have first furnished to the grantee, lessee or vendee a true copy of any compliance order or notice of violation and shall have furnished to the City, on a form provided by the City, a signed and notarized statement from the grantee, vendee or lessee, acknowledging (i) the receipt of such compliance order or notice of violation; (ii) that the property is not presently occupied; (iii) that no occupancy of the premises is permitted under this chapter until compliance with the provisions of Section 14-66 has been certified by the City; and (iv) that the grantee, lessee or vendee understands that it is a violation of this chapter to otherwise permit occupancy of the premises prior to the issuance of a certificate of occupancy by the City. Compliance with the provisions of this chapter shall continue to be the responsibility of the new owner until the provisions of this section are fully satisfied.

Sec. 14-66. Certificates of Compliance for Hotels, Roominghouses, Multiple Dwellings, Rental Dwellings and Residential Collectives.

- a. No person shall operate, lease, rent or occupy a hotel, including a bed and breakfast inn, roominghouse, multiple dwelling, residential collective or any rental dwelling, including single family homes and duplexes unless there is a valid certificate of compliance issued by the City in the name of the agent and issued for the specific hotel, roominghouse, multiple dwelling, residential collective or rental dwelling. The certificate of compliance shall be displayed in a conspicuous place in each building being rented at all times. The certificate shall be issued in conformance with such rules as the City Manager or his or her designee shall promulgate after registration with the City.

- b. The City shall not issue a certificate of compliance unless a current registration is in effect, the responsible local agent is properly designated, and the responsible agent has verified by affidavit that compliance has been secured with the minimum standards and other provisions of the City Code of Ordinances.
- c. No certificate of compliance for any property regulated by this Chapter shall be issued until all of the following fees and debts owed to the City and related to the property have been paid in full:
 - 1. All previously billed property taxes;
 - 2. All past due special assessment installments;
 - 3. All charges against the property for mowing, cleanup or weed or debris removal and other similar charges by the City;
 - 4. Any fees, fines, penalties or debts of any sort arising from violation of any City Ordinance.

Sec. 14-67. Revocation or Denial of Certificate of Compliance.

- a. Whenever the City finds that the operator of any rental dwelling, roominghouse, bed and breakfast inn, residential collective, or hotel has failed to comply with a notice of violation issued pursuant to Section 14-69 of this Code, the certificate of compliance may be revoked.
- b. Any person whose registration to rent or lease a dwelling regulated by this chapter has been denied or whose certificate of compliance has been revoked shall not permit occupancy of the premises until it has been properly registered with the City and a certificate of occupancy has been issued.
- c. Upon revocation of a certificate of compliance or a determination by the City that any dwelling unit or structure regulated by this chapter is unfit for human habitation, the owner or operator of said unit(s) shall immediately take such legal action as may be required to vacate the premises, including eviction proceedings; and no person shall thereafter occupy for sleeping or living purposes the unit(s) therein until said unit(s) is in compliance with this Code. All vacant buildings shall be maintained closed to casual entry.

Sec. 14-68. Civil Remedies for Violations.

- a. In case any dwelling is constructed, altered, converted or maintained in violation of any provision of this chapter or of any order or notice given hereunder, or in case a nuisance exists in any dwelling or upon the lot on which it is situated, or within an accessory structure, the City may institute an action in the circuit court to prevent such unlawful construction, alteration, conversion or maintenance, to restrain, correct or abate such violation or nuisance, to prevent the occupation of such dwelling, building or structure or to prevent any illegal act or conduct a business in or about such dwelling or lot. The procedure for such action shall be the same as for any injunction or abatement of a nuisance under circuit court rules, the statutes in such cases made and provided, or the common law. The judgment of the court in such cause may direct the correction, repair or rehabilitation of the dwelling or building or the abatement of the nuisance, may authorize a reasonable time within which the defendant may make such correction or abatement and may authorize the City to execute and carry out the provisions of the judgment in case of default by the defendant. Whenever the City has incurred any expense for the enforcement of this chapter or the judgment of the court including court costs and actual attorney's fees, the City may institute and maintain a suit against the owner of the premises in respect to which such expense shall have been incurred and may recover the amount of such expense in addition to the costs of suit. The judgment of the court may order the vacation of the premises until the corrections, rehabilitations or abatements are completed.
- b. The City shall have a lien upon the premises for the expenses necessarily incurred in the execution of such judgment, which lien shall have priority over all other liens or encumbrances, except taxes, assessments or mortgages recorded previous to the existence of such lien. Such lien may be foreclosed as in the case of foreclosure of mortgages by such court action as is permitted by law.
- c. In any action instituted by the City under this section, the City Attorney may file, in the office of the Register of Deeds, a notice of the pendency of the action or proceeding. A notice may be filed at the time of the commencement of the action or proceeding, or at any afterward before final judgment or order, or at any time after the service of any notice or order issued by the City. The notice shall have the same force and effect as a Lis Pendens. The Register of Deeds shall record it and shall index it to the name of

each person specified in directions prescribed by the City Attorney. Any notice may be vacated upon the order of the judge of the court in which the action or proceeding was instituted or is pending or upon consent, in writing, of the City Attorney. The Register of Deeds shall make the notice and any record thereof as canceled of record upon the presentation, for filing, of consent or of a certified copy of the Order.

Sec. 14-69. Responsibility for Violations; Procedures.

- a. Any person who causes, permits, allows or maintains a condition on or in any premises in violation of a criminal provision of this chapter shall be deemed responsible for a municipal civil infraction. Each day that a violation exists shall constitute a separate infraction.
- b. Whenever there has been a violation of any provision of this chapter or any rule or regulation thereto, the City may give notice of the violation to the person responsible therefor and order the correction of the violation. Such notice shall:
 1. Be in writing.
 2. Include a statement of the conditions that constitute violations of this chapter.
 3. Specify that a permit for the performance of the work necessary to correct such violations must be obtained if one is required by the City Code.
 4. Notify the owner, agent or occupant, as the case may require, of the time within which the violation shall be corrected.
 5. Be served upon the owner, agent or occupant as the case may require. Such notice shall be deemed to be properly served upon such owner or agent or upon such occupant if a copy is served upon him/her personally; or if a copy is sent by mail to his/her last known address; or a copy thereof is posted in a conspicuous place on the dwelling affected by the notice; or if such notice is served by any other method authorized or required under the laws of this state. The time for performance shall commence on the

date of personal service or date of posting or mailing
depending upon the method of service used.

- c. Whenever any inspector finds that a violation of this chapter creates a situation which requires immediate action to protect the public health and safety, he/she shall bring the matter to the attention of the building official. If the building official agrees with the inspector, the building official shall, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he or she deems necessary to meet the emergency. Notwithstanding the other provisions of this chapter, such order shall be effective immediately. Any person to whom such order is directed shall comply therewith immediately.
- d. Prosecutions for civil violations of this chapter may also be commenced by issuing an appearance ticket or citation without prior notice.

Sec. 14-70. Fines.

In addition to any other penalties provided herein, a Defendant found responsible of any violation of this Code shall be subject to a fine not to exceed \$500.00. When a Defendant has been found responsible for or admits responsibility for violating the provisions of this Code, the Court shall determine at the time of sentencing whether the violation constituted an immediate threat to health or safety. An immediate threat to health or safety is a condition which, because of its nature, presents an immediate risk of injury to persons, damage to property or creates a health hazard or unsanitary condition. If the violation constitutes an immediate threat to health or safety, the fine shall be \$500.00. If the violation does not constitute an immediate threat to health or safety, the fine shall be set by the Court, not to exceed the maximum set forth herein, commensurate with the violation. If the Court determines that the Defendant has been found responsible for or admits responsibility for a prior violation of this Code within one (1) year of a previous adjudication, the Court shall order a fine of no less than \$150.00 dollars. If the Court determines that there has been two prior adjudications within one (1) year, the fine shall be no less than \$250.00. Each day that a violation occurs shall be considered a separate offense.

Sec. 14-71. Additional Remedies.

- a. In addition to any fine required by Section 14-70, a judge or magistrate who finds a person responsible for a violation of this chapter which is designated as a municipal civil infraction (MCI) shall order that person to bring the subject property into full compliance with all provisions of this chapter, and shall set a deadline for compliance which shall not exceed thirty (30) days

except in cases of exceptional practical difficulty. Non-compliance with such Order shall be punishable by contempt of court proceedings.

Sec. 14-72. Change in Ownership of Multiple Dwellings.

- a. No person shall transfer his ownership of any multiple dwelling to any other person or sell any such property by land contract unless the entire property has been inspected within sixty (60) days prior to said transfer or sale and either:
 1. The property complies with Chapter 14 of the City Code of Ordinances, and a certificate of compliance, as provided under Section 14-66 of the City Code of Ordinances, is then issued; or
 2. A notice of violations is then issued.
- b. This section shall not apply if:
 1. A certificate of compliance was already in effect at time of the sale or other transfer; or
 2. The City received a written request from the owner for inspection and did not conduct the inspection within thirty (30) days of such receipt, and the sale or other transfer was then completed within sixty (60) days of the expiration of the thirty-day period.

ARTICLE II
INSPECTIONS

Sec. 14-73. Inspections to Enforce Chapter – Generally.

For purposes of enforcement and administration of Chapter 14 of the City Code, the following shall apply:

- a. The City, acting as the enforcing agency, may require inspections be made for the enforcement of this chapter.
- b. The City shall be entitled to, but not required to, inspect the premises upon one or all of the following:
 1. When ownership of the premises changes (see Section 14-65); or

2. If a tenant or tenants make a written complaint to the City specifying the alleged violation that the premises is uninhabitable, unsafe or not in compliance with City Codes.
- c. The City shall have authority to obtain a search warrant to perform any inspection authorized by this Chapter or by state law. Such a search warrant shall be deemed to be an administrative search warrant, and shall permit an inspection to go forward only if authorized by this chapter and state law. Such a search warrant shall be issued in the event that the premises in question have not been inspected within the time period prescribed by ordinance, by administrative policy, or by rule, or when the premises no longer have a current certificate of compliance. For those premises which have not previously been certified under this chapter, the search warrant shall establish the legal basis necessary to issue a search warrant under applicable state and federal law. Any search warrant issued under this chapter shall establish that the City has complied with such other provisions of this chapter and such state laws as may be applicable.
 - d. Inspections under this section shall be carried out by the City as the enforcing agency and may include such representatives of other agencies as may form an inspection team to undertake an inspection under this chapter and other applicable ordinances.
 - e. In a non-emergency situation in which the owner or occupant demands a search warrant, the City shall obtain a warrant from a court of competent jurisdiction. The occupant shall have the exclusive right to demand a search warrant for an inspection of any dwelling unit. The warrant shall state the address of the building to be inspected, the nature of the inspection, as defined in this chapter or other applicable ordinances, and the reasons for the inspection. It shall be appropriate and sufficient to set forth the basis for inspection (e.g., mandatory periodic inspection, complaint, area or recurrent violation basis) established in this section, in other applicable statutes, ordinances or in rules or regulations. The warrant shall also state that it is issued pursuant to authority granted by this chapter and by the authority of § 127 of Public Act 167 of 1917, as amended (MCL 125.527), and that it is for the purposes set forth for the inspection of rental property by state statutes and City ordinances. The owner and/or responsible local agent shall be responsible for providing access whenever a search warrant is issued pursuant to the provisions of this chapter.

- f. The City may, subject to approval by the City Commission, establish and charge a reasonable fee for inspections conducted under this chapter.

ARTICLE III HOUSING BOARD OF APPEALS

Sec. 14-74. Established; Composition; Appointment and Qualifications of Members.

There shall be established a Housing Board of Appeals to perform the general powers and duties outlined hereinafter in Section 14-75. The City Commission shall act as the Housing Board of Appeals.

Sec. 14-75. General Powers and Duties.

The Board shall act as an advisory committee to the City Commission and shall have these additional powers and duties:

1. Hear and decide appeals from and review any order, requirement, decision or determination made by officials charged with the enforcement of this chapter, except that the Board shall not have the authority to hear any matter pending in any court, to review decisions to inspect any property, or to review the terms of any certificate of compliance. All decisions of the Board shall be subject to review as provided by law.
2. Where the literal application of specific provisions of this chapter would result in an exceptional practical difficulty to the applicant, the Board shall have the power, in passing upon appeals, to modify a specific provision of this chapter provided both of the following requirements are satisfied:
 - a. The performance of the particular part or item of the building or structure with respect to which the variance is granted shall be adequate for its intended use and shall not substantially deviate from performance required by this chapter for the safety and welfare of the people of the City.
 - b. The specific condition justifying the variance shall be neither so general nor recurrent in nature as to make an amendment of this chapter with respect to the condition reasonably desirable.

3. The Housing Board of Appeals may attach in writing any stipulations in connection with granting of a variance that, in its judgment, is necessary to protect public health, safety, and the general welfare of the people of the City. The breach of those stipulations shall automatically invalidate the variance and any certificate granted on the basis of it. In no case shall more than a minimum variance from this chapter be granted than is necessary to alleviate the exceptional practical difficulty.

Sec. 14-76. Procedural Rules.

The Board may make such procedural rules, consistent with the provisions of this chapter, as shall be necessary to perform its duties and exercise its powers.

Sec. 14-77. Appeals to Board.

- a. Appeals from rulings of any official charged with the enforcement of this chapter may be made to the Board within such time as shall be prescribed by the Board or by this chapter. The appellant shall file, with the official from whose decision the appeal is taken and with the Board, a notice of appeal, specifying the grounds therefor, an alternate method to achieve the performance required by this chapter, and stating the address of the appellant. The official from whom the appeal is taken shall forthwith transmit to the Board a summary report of all previous action taken, and a recommendation as to the adequacy of the proposed alternative.
- b. The Board shall fix a reasonable time for the hearing of an appeal under this section and give due notice thereof to interested parties and decide the same within a reasonable time. Within the limits of its jurisdiction, as prescribed in Section 18-182, the Board may reverse, modify or affirm, in whole or in part, the order, requirement, decision or determination which is the basis for the appeal, and to that end shall have all the powers of the official from whom the appeal is taken, the final disposition of such appeal shall be in writing and shall state the specific conditions justifying the variance, along with all conditions imposed in granting the variance. Such disposition shall be filed with the permanent property record and shall be forthwith mailed to the address given as part of the notice of appeal.

Sec. 14-78. Requests for Interpretation of Chapter, Approval of Materials, etc.

Any person may file with the Board requests for the interpretation of the provisions of this chapter as provided by Section 14-75(1), or for the approval of alternate methods or materials, in the same manner as provided in this article for appeals to the Board.

Sec. 14-79. Finality of Decisions.

Any quasi-judicial decision by the Board hereunder shall be subject to review, as provided by applicable law, in the Kalamazoo County Circuit Court or other court of competent jurisdiction, provided that such review must be sought within thirty (30) days from the date of the Board's decision.

ARTICLE III
ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE
2015 EDITION

Sec. 14-80. Adoption of the International Property Maintenance Code, 2015 Edition.

The *International Property Maintenance Code*, 2015 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Parchment, in the State of Michigan for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Parchment are hereby referred to, adopted and made a part hereof, as if fully set out in this legislation with the additions, insertions, deletions and changes, if any, prescribed in Section 14-81 of this Ordinance.

Sec. 14-81. Amendments to Code.

The following sections are hereby added:

Section 101.1: City of Parchment.

Section 103.5: Fees shall be set from time-to-time by Resolution of the City Commission.

Section 106.3: Municipal civil infraction.

Section 112.4: Not less than \$200.00 nor more than \$500.00 each day a violation occurs.

- Section 302.4: 12 inches (weeds).
- Section 304.14: (Insect screens) From May 1st to October 1st.
- Section 602.3: (Heat) From October 1st to June 1st.
- Section 602.4: From October 1st to June 1st.

Sec. 14-82. No Prior Restraint

That nothing in this legislation or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or Ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

ARTICLE IV
HEALTH AND SANITATION

Sec. 14-83. Authority of City and County.

- a. Notwithstanding any other provision of the City Code of Ordinances, the Health Department of Kalamazoo County is hereby granted the authority to inspect for purposes of health, cleanliness and sanitation in the City for the full enforcement of the Kalamazoo County health Code in the City in dwellings containing four (4) or more lawful dwelling unites and is hereby granted concurrent jurisdiction with the City in such cases.
- b. Subsection (a) above shall not apply to dwellings in which accommodations are customarily rented or let for a continuous period of more than thirty (30) days to the same tenant or tenants simultaneously.
- c. Subsection (a) above shall not apply to hospitals or nursing homes.
- d. Nothing in this Section 14-83 shall be construed to limit or reduce the authority of the City to enforce the City Code of Ordinances in all dwellings in which the county lacks authority under Subsection (a) or (c) above.
- e. Nothing in this Section 14-83 shall limit or reduce the authority of the City to enforce its building, plumbing, electrical and mechanical codes or those parts of the City Code of Ordinances governing

safety and structural soundness and integrity in any building in the City."

ARTICLE V
REPEALER

All Ordinances or parts thereof in conflict herewith are hereby repealed and shall be of no further force and effect.

ARTICLE VI
SEVERABILITY

Any and all sections, terms, provisions and/or clauses herein shall be deemed independent and severable. Should any court of competent jurisdiction hold any section, term, provision or clause void and/or invalid, all remaining sections, terms, provisions and/or clauses not held void and/or invalid shall continue in force and effect.

ARTICLE V
EFFECTIVE DATE

This Ordinance shall take force and effect on _____, 2016.

CERTIFICATE

I, Shannon Stutz, City Clerk for the City of Parchment, do hereby certify that the foregoing Parchment Ordinance No. _____ was adopted by the City Commission at a regular meeting held on _____, 2016, and that the following is a record of the vote of the members of said City Commission on said Ordinance.

AYES: _____

NAYS: _____

ABSENT: _____

ABSTAIN: _____

Shannon Stutz, Clerk

MEMORANDUM

To: Mayor Heasley, Vice-Mayor Britigan and City Commissioners
From: Dennis Durham, City Manager
Date: October 14, 2016
Subject: City Manager's Report

Economic Development

AbsolutAire in Cooper Township is moving forward with an expansion of their current facility on Riverview Drive. As part of this expansion, additional fire suppression infrastructure (hydrants) are necessary and Cooper Township has requested that these new hydrants, along with new water main and existing private water main be taken by the City of Parchment as public water main. Prein & Newhof has reviewed the request and recommends acceptance, but the final details are still being worked out. I expect this to come before the City Commission for approval in November.

City Sign Planting Beds – City crews have been working to construct river rock planting bed borders at City sign locations, as time permits relative to other work projects and weather. With the onset of Leaf Pickup (first pickup starts Oct. 17), this work will be on hold, but crews will be resuming work next week.

DPW New Hire – Mr. Camron Boekhoven is a new team member in the department of public services. I expect him to begin work on Oct. 24.

KTPD Traffic Enforcement – KTPD will be conducting targeted speed enforcement along the Riverview Drive corridor over the next two weeks.

Ordinance Enforcement – The city identified 19 new code violations over the past month. Five prior violations are currently being addressed by homeowners (asked for additional time to remove or fix). Six previous outstanding violations have been resolved. According to our CE log, 113 violations have been identified since June – 88 have been resolved.

Little League Draft Lease Agreement – Nothing to report from Parchment LL.

Stormwater Investigation Groveland/Vale – Fill dirt has been placed in the ravine behind Groveland/Vale in the past weeks. The City's engineer has inspected the area and been in contact with the property owner (attached).

Prein&Newhof

Engineers ■ Surveyors ■ Environmental ■ Laboratory

September 29, 2016
2150096

Mr. Ben Tanis
Property Owner
309 Groveland
Parchment, MI 49004

RE: Property at Corner of Groveland & Vale

Dear Mr. Tanis:

The City of Parchment recently received complaints from neighboring property owners that you have again resumed filling the ravine behind your property. As has been stated in the past, this ravine serves as a natural storm water management feature and disruption of the feature could impact neighboring properties. As you have begun to add more fill (in addition to amounts added in the past), it is again necessary that the City be provided storm calculations so that we can evaluate if the culvert you have placed at the bottom of the existing fill area is of proper size to accommodate storm water flows.

Secondly, in that this is a stormwater conveyance area any disturbance in this area requires a Soil Erosion & Sedimentation Control permit from Kalamazoo County. Please supply a copy of this approved permit to the City of Parchment for our records.

Sincerely,

Prein&Newhof



Daniel G. Lewis, P.E.

DGL/dgl

cc: Dennis Durham, City of Parchment ✓
Kellie Layman, Kalamazoo County Soil Erosion Program